

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

JOHNNY PARKER,)	
)	
Plaintiff,)	
)	
vs.)	1:11-cv-1051-TWP-MJD
)	
LT. RANDY RATLIFF, TERRY K)	
SNOW, SHERIFF BUD GARY,)	
)	
Defendants.)	

Entry and Order Directing Dismissal of Action

I.

This matter is before the Court on plaintiff's Request to Proceed in *Forma Pauperis* (Dkt. No. 2). Plaintiff's complaint is accompanied by his request to proceed *in forma pauperis*. Despite plaintiff's present meager financial reserves, he is not entitled to the relief requested due to prior frivolous litigation under 28 U.S.C. § 1915(g). As noted in Part II of the Entry of December 7, 2005, in No. 1:05-cv-1592- RLY-TAB, this plaintiff has "struck out" under 28 U.S.C. § 1915.¹

Plaintiff is not entitled to proceed *in forma pauperis*, unless the exception under 28 U.S.C. § 1915(g), that he "is under imminent danger of serious physical injury," applies. Those circumstances are not presented by his claims in this case. The plaintiff's request to proceed *in forma pauperis* (Dkt. No. 2) is therefore **DENIED**.

¹ In *Evans v. Illinois Department of Corrections*, 150 F.3d 810 (7th Cir. 1998), it was noted that a prisoner-litigant in these circumstances is entitled to know the cases the court relies on when making the three-strikes determination. These cases were identified in the Entry of December 7, 2005, in No. 1:05-cv-1592- RLY-TAB and need not be repeated here.

II.

In some circumstances, the plaintiff would at this point be given a period of time in which to pay the filing fee. But not here. "A litigant who knows that he has accumulated three or more frivolous suits or appeals must alert the court to that fact." *Ammons v. Gerlinger*, 547 F.3d 724, 725 (7th Cir. 2008) (citing *Sloan v. Lesza*, 181 F.3d 857, 858-59 (7th Cir. 1999)). The plaintiff did not do so, opting instead to mislead the court as to his eligibility to proceed *in forma pauperis*. The consequence is clear:

An effort to bamboozle the court by seeking permission to proceed *in forma pauperis* after a federal judge has held that §1915(g) applies to a particular litigant will lead to immediate termination of the suit.

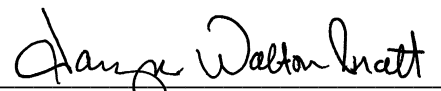
Sloan, 181 F.3d at 859.

The plaintiff commenced the litigation under false pretenses. The only appropriate action in these circumstances is the immediate termination of the suit. The dismissal shall be without prejudice.

Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 09/07/2011



Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

Distribution:

Johnny Parker
220692
Marion County Jail
40 South Alabama Street
Indianapolis, IN 46204